

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. CAIRNS,

Plaintiff,

vs.

JAMES KOZEL,

Defendant.

8:20CV162

**MEMORANDUM
AND ORDER**

On June 21, 2021, the clerk of the court received certain correspondence from Plaintiff, in which he requested the clerk to “e-file these [discovery] requests to Defendant James Kozel and his attorney please.” (Filing 53.) Treated as a motion for discovery, this request to “e-file” discovery papers enclosed with Plaintiff’s cover letter will be denied. All discovery requests and responses must be served by the parties in the manner specified in Rule 5 of the Federal Rules of Civil Procedure. Discovery requests and responses cannot be served by delivery to the clerk, and, moreover, “must not be filed until they are used in the proceeding or the court orders filing.” Fed. R. Civ. P. 5(d)(1)(a).

On June 23, 2021, the clerk of the court received a “motion to subpoena documents from third party.” (Filing 54.) This motion will also be denied, as Plaintiff seemingly is requesting the court’s assistance in conducting discovery, which is improper. Plaintiff is referred to Rule 45 of the Federal Rules of Civil Procedure, and also the applicable local rule (NECivR 45.1) regarding issuance of subpoenas to nonparties.

IT IS THEREFORE ORDERED:

1. Plaintiff’s motion for discovery (Filing 53) is denied without prejudice.

2. Plaintiff's motion to subpoena documents from third-parties (Filing 54) is denied without prejudice.

Dated this 25th day of June, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge